

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LARRY GENE HEGGEM,

Plaintiff,

v.

MONROE CORRECTIONAL
COMPLEX, DR. LOREN, DR. JOSEPH
LOPIN, and L. MANIGO-HEDT,

Defendants.

No. C11-5985 RBL/KLS

**ORDER DENYING MOTION TO STAY
DISCOVERY, STRIKING MOTION
FOR SUMMARY JUDGMENT, AND
EXTENDING PRETRIAL DEADLINES**

Before the Court is Defendants' Motion to Stay Discovery. ECF No. 31. This motion was filed in conjunction with Defendants' Motion to Dismiss (ECF No. 31), which was converted by the Court into a Motion for Summary Judgment on May 15, 2012. ECF No. 53. At the time the Court converted the motion to dismiss, it did not rule on Defendants' motion to stay discovery. *Id.*

DISCUSSION

The court has broad discretionary powers to control discovery. *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). Upon showing of good cause, the court may deny or limit discovery. Fed. R. Civ. P. 26(c). A court may relieve a party of the burdens of discovery while a dispositive motion is pending. *DiMartini v. Ferrin*, 889 F.2d 922 (9th Cir. 1989), amended at 906 F.2d 465 (9th Cir. 1990) *Rae v. Union Bank*, 725 F.2d 478 (9th Cir. 1984).

When it converted Defendants' motion, the Court provided the Plaintiff with the required notice of what he must do to oppose a motion for summary judgment. However, the pending

1 motion to stay discovery and Defendants' reliance on it has apparently impeded the Plaintiff's
2 ability to properly prepare his opposition to the motion. *See, e.g.*, ECF No. 83.

3 Accordingly, it is **ORDERED**:

4 (1) Defendants' motion to stay discovery (ECF No. 31) is **DENIED**.

5 (2) The Pretrial Scheduling Order shall be amended as follows: Discovery shall be
6 completed by November 29, 2012; dispositive motions shall be filed by January 31, 2013; and
7 the joint pretrial report shall be filed by March 28, 2013.

8 (3) Defendants' Motion for Summary Judgment (ECF No. 31) shall be **stricken** from
9 the Court's calendar. Defendants may re-file and re-note their motion at the conclusion of
10 discovery.
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12 (4) The Clerk shall send a copy of this Order to Plaintiff and Defendants.

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14 **DATED** this 1st day of August, 2012.

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17 Karen L. Strombom
18 United States Magistrate Judge
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